

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Salvador Ortiz-Lopez,

Complainant,

vs.

Apple Valley Ranchos Water Company,

Defendant.

(ECP)

Case 01-10-039

(Filed October 22, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING
INVITING COMMENTS ON DRAFT DECISION**

The draft decision of the assigned administrative law judge (ALJ) in this proceeding is attached. The parties may file comments on the draft decision no later than Tuesday, January 22, 2002. Comments must be served separately on the ALJ.

When the Commission acts on the draft decision, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own decision. Only when the Commission acts does the decision become final on the parties.

Dated January 7, 2002, at San Francisco, California.

/s/ BERTRAM D. PATRICK

Bertram D. Patrick
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Inviting Comments on Draft Decision on all parties of record in this proceeding or their attorneys of record.

Dated January 7, 2002, at San Francisco, California.

/s/ Antonina V. Swansen

Antonina V. Swansen

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.

ATTACHMENT A

Decision _____

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O P I N I O N

Summary

Salvador Ortiz-Lopez (Complainant) requests that Apple Valley Ranchos Water Company (Defendant) be ordered to provide general metered service to his proposed commercial development without advancing the cost of the required infrastructure to meet Apple Valley Fire Protection District's (AVFPD) fire protection requirements. The request is denied.

The Complaint

As a condition to granting Complainant a building permit, AVFPD requires that the existing 12" water main located on Powhatan Road be extended 330 feet across the frontage of Complainants' property and a fire hydrant be installed in the sidewalk.

Complainant states that he cannot afford to advance the \$27,000 estimated cost of the main extension to Defendant utility. He contends that instead of

extending the main on Powhatan Road, Defendant utility should connect a fire hydrant to the existing main on the west side of his property that now provides irrigation service to his property. He argues that if AVFPD requires the main on Powhatan Road to be extended across the frontage of his property, then Defendant utility should install the main at its expense.

AVFPD's Division Chief Art Bishop testified that the District plans to build a fire protection system that meets all current standards. He rejected Complainant's proposal that a fire hydrant to serve the proposed development be connected to the existing main on the west side of the property. He pointed out that the hydrant would be on private land, which as a matter of policy AVFPD no longer allows for new developments. Also, he stated that AVFPD's plan is to loop the mains in the streets; therefore, as each parcel was developed it was essential that the main be extended across the frontage to complete the loop. Bishop further explained that in an emergency, fire trucks should have unimpeded access to the property and be able to hook-up to a hydrant situated in the street.

Discussion

The Commission requires that all developers provide the funding for water system infrastructure to accommodate the domestic and fire flow requirements for any new development.

The Defendant utility does not have the authority to waive the fire protection standards of the AVFPD. Section A.4.d. of Rule No. 15, contained in the utility's tariff states, "When an extension must comply with an ordinance, regulation, or specification of a public authority, the estimated and adjusted construction costs of said extension shall be based upon the facilities required to

comply therewith.” In this case, the AVFPD, is the public authority that decides specifications of the fire protection facilities for the proposed development.

Furthermore, Section C. 1.a. of Rule No. 15 states, “an applicant for a main extension to serve a commercial building shall be required to advance to the utility, the estimated reasonable cost of the extension to be installed, from the nearest utility facility at least equal in size or capacity to the main required to serve both the new customer and a reasonable estimate of the potential customers who might be served from the main extension.”

The AVFPD is the public agency responsible for designating the type and placement of infrastructure required for fire protection including the location and sizing of water mains and placement of fire hydrants. If Complainant seeks to develop his property commercially he has no option but to comply with AVFPD’s requirements. And, Defendant utility must design the required facilities accordingly. Complainant’s request that Defendant utility provide fire protection and general metered service from the existing main on the west side of his parcel, should be denied.

Procedural Summary

The complaint was filed under the Commission’s Expedited Complaint Procedure set forth in Section 1702.1 of the Public Utilities Code and Rule 13.2 of the Rules of Practice and Procedure. Defendant utility filed an answer on November 26, 2001. An unreported hearing was held before the assigned administrative law judge (ALJ) in Apple Valley on December 20, 2001.

O R D E R

IT IS ORDERED that:

1. The complaint of Salvador Ortiz-Lopez is denied for failure to show that Defendant utility is in violation of any provision of law or order of the Commission.

2. Case 01-10-039 is closed.

This order is effective today.

Dated _____, at San Francisco, California.

SERVICE LIST

TERRY BENDER

Apple Valley Ranchos Water Company
21760 Ottawa Road
Apple Valley, CA 92307

SALVADOR ORTIZ-LOPEZ

21797 Arapahoe Avenue, #2
Apple Valley, CA 92307

ART BISHOP

Division Chief
Apple Valley Fire District
22400 Headquarters Drive
Apple Valley, CA 92307

LEIGH K. JORDAN

Executive Vice President
Apple Valley Ranchos Water Company
9750 Washburn Road
Downey, CA 90241-7002

BETRAM D. PATRICK

Administrative Law Judge
California Public Utilities Commission
505 Van Ness Avenue, Room 5041
San Francisco, CA 94102

(END OF ATTACHMENT A)